

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALVESTER COLEMAN, *et al.*

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§

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v.

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CIVIL ACTION NO. 6:17-cv-500

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CITIZENS NATIONAL BANK, *et al.*

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**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions and recommendation for the disposition of the complaint, has been presented for consideration. The Report and Recommendation, filed on September 26, 2017, recommends that the complaint be dismissed with prejudice for lack of subject matter jurisdiction. Docket No. 16 at 3.

The Court received acknowledgments of receipt revealing that Plaintiff Alvester Coleman received the Report and Recommendation on October 2, 2017 and Plaintiff Casandra Coleman received the Report and Recommendation on October 27, 2017. Docket Nos. 17, 19. The copy mailed to Plaintiff Daryl Howard at the address provided for him in the Amended Complaint was returned with the notation, “return to sender, no such number, unable to forward.” Docket No. 18. No written objections have been filed. The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court. The case lacks subject matter jurisdiction.

In light of the foregoing, it is

ORDERED that the complaint is **DISMISSED** with prejudice for lack of subject matter jurisdiction. FED R. CIV. P. 12(b)(1). The dismissal is without prejudice to the re-filing of the claims in an appropriate state court. Any motion not previously ruled on is **DENIED**.

SIGNED this 5th day of December, 2017.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE